



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,836	01/03/2001	Bunji Inagaki	0165-279	9926

7590 01/30/2006

Thomas W. Cole
Nixon Peabody LLP
Suite 800
8180 Greensboro Dr.
McLean, VA 22102

EXAMINER

ROBINSON, MARK A

ART UNIT	PAPER NUMBER
----------	--------------

2872

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/752,836	INAGAKI ET AL.	
	Examiner	Art Unit	
	Mark A. Robinson	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/22/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/05 has been entered.

Claim Objections

2. Claim 15 is objected to because of the following informalities: "the plate-like stand" in line 11 lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2872

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,3,5,6,15 and 18 are rejected under 35

U.S.C. 102(e) as being anticipated by Sakata (US 6132050).

Sakata shows a vehicle mirror assembly including a mirror(231) with back and outer peripheral surfaces, a mirror visor(220) having a cover opposing the back of the mirror and a rim covering the outer peripheral portion of the mirror, a bracket(250) within the visor, a door mirror stay(210) adapted to be connected to a vehicle door, a retracting unit having a plate-like stand(251) and a rotating portion(252) connecting the bracket to the stay, wherein the stand is secured to the stay via fasteners(289) and the bracket and the rotating portion are connected via a fastener(2534B/C--fig. 32).

Regarding claims 3,5 and 6, Sakata further shows a mirror surface adjustment unit(240) between the bracket and mirror, the visor cover mounted to either the bracket or surface adjustment unit (see fig. 22), and corresponding fastener elements on the cover and either the bracket or surface adjustment unit (fig. 22, items 223,288,etc.).

Art Unit: 2872

The method limitations of claims 15 and 18 are inherent in the structure of Sakata discussed above, with Sakata further showing the mirror(231) and visor(220) to be mounted to opposite sides of the bracket(250) (see fig. 22).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 16,17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata.

Sakata shows the limitations of these claims as discussed above, but does not explicitly teach use of a jig to assist in mounting the components such as the bracket, mirror, or visor rim. However, mounting jigs are well known and commonly used in assembling vehicle mirror devices. Also note that disposing the bracket horizontally or repositioning the bracket to face in the opposite direction as found in claims 17 and 20 would commonly occur during the manufacturing process, i.e. orienting the

Art Unit: 2872

bracket in various ways when handling or assembling the device. It would have been obvious to the ordinarily skilled artisan at the time of invention to use such a jig in the claimed manner with Sakata's apparatus in order to aid the worker in efficiently positioning the various components when manufacturing the mirror device.

7. Claims 4 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata in view of Polzer (US 5245480).

The limitations of these claims are either met by or obvious over Sakata as discussed above, except that Sakata shows a one-piece visor and thus does not disclose mounting the visor rim to one surface of the bracket and mounting the visor cover to either the other surface of the bracket or the visor rim from the other side of the bracket.

However, as discussed previously, Polzer shows this arrangement. Note that visor rim(4) and visor cover(7) are mounted to opposite sides of the bracket(3). With respect to claim 10, note also that claim 5 of Polzer implies that the mirror is mounted to the bracket after the visor rim is mounted but before the visor cover is mounted. It would have been obvious to the ordinarily skilled artisan at the time of invention to use Polzer's arrangement for the visor rim and

Art Unit: 2872

cover in Sakata's assembly in order to enable easy repair or replacement via removal of the cover as taught by Polzer in col. 2 lines 1-3, or in order to reduce unwanted vibrations in the mirror as taught by Polzer in the abstract.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Hoogenboom and Okada show mirror assemblies including retracting units having stands and rotating portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Robinson whose telephone number is (571) 272-2319.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Art Unit: 2872

Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR
1/24/06


MARK A. ROBINSON
PRIMARY EXAMINER